UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,318	12/06/2005	Guoshun Deng	B-5720PCT 622686-6	5692

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 June 2008_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-9_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _07/01/2008_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niiyama et al 5,400,389 (hereinafter Niiyama) in view of **Leppanen 20020077094**.

Regarding **claim 1**, Niiyama discloses a method for sending commands and/or data to a mobile storage device (portable telephone 10, see fig. 1, col. 3, line 27), comprising configuration of an application running in an operating system (ROM write unit 5, see fig. 3, col. 5, lines 41-45), said application being used to send the commands and/or data to the mobile storage device, and the method further comprising the following steps: 1) said application setting an identification mark (code data indicating byte mode instruction or page mode instruction, see fig. 8, col. 7, lines 34-55) for the commands and/or data (code data for inputting data into memory, see fig. 8, col. 7, lines 53-66), said identification mark and the commands and/or data forming a data packet (instruction command sent from ROM writer 5 to portable telephone includes code data to indicate byte or page mode instruction and instruction command or data, see col. 7, lines 34-55); 2) said application sending to the mobile storage device through the operating system the data packet together with a write command according to the standard write command format provided by the operating system (transmitting code data for writing to flash memory, see figs. 1, 3 and 7, col. 7, lines 53-66, col. 9, lines 22-25, col. 10, lines 21-34); 3) said mobile storage device receiving from the operating system the write command and the data packet (see col. 10, lines 21-52); 4) said mobile storage device interpreting and obtaining the commands and/or data in the data packet based on the identification mark (see col. 7, lines 34-43, col. 8, lines 45-52, see col. 1, lines 27-29) and 5) said mobile storage device performing the corresponding operation according to the commands and/or data (program in the rewritable memory of the portable telephone 10 is rewritten in order to change the function of the portable

telephone, see col. 7, lines 34-43, col. 8, lines 45-52, see col. 1, lines 27-29), and

sending to said application the operation result via the operating system (sending an

acknowledgement, see col. 8, lines 55-60).

Niiyama does not specifically disclose wherein the commands include

device control operation commands which are limited to be sent to the mobile storage

device directly by the operating system.

In the same field of endeavor, Leppanen discloses sending commands to

a mobile storage device (DLU sending software to mobile stations, see fig. 1, p.1,

[0013]-[0014]) wherein the commands include device control operation commands

which are limited to be sent to the mobile storage device directly by the operating

system (DLU sending software or programs to a mobile station, the software or

programs enabling the mobile stations execute a particular operation or algorithm, see

fig. 1, p.1, [0015], p.2, [0016]-[0017], [0022]-[0024]).

It would therefore have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teaching of Leppanen, by transmitting

program(s) to a mobile station, into the system of Niiyama for the benefit of remotely

programming the mobile station(s) to operate/execute an algorithm or function using the

sent program.

Regarding **claim 2**, as applied to claim 1, Niiyama further discloses wherein the

standard write command format is the standard write file function command format

provided by the operating system (rewriting program to flash memory of the portable

telephone, see col. 10, lines 31-52).

Regarding **claim 3**, as applied to claim 1, Niiyama further discloses wherein the

command and/or data in the data packet comprise, but not limit to, the device control

operation command of the mobile storage device (program in the rewritable memory of

the portable telephone 10 is rewritten in order to change the function of the portable

telephone, see col. 7, lines 34-43, col. 8, lines 45-52, see col. 1, lines 27-29).

Regarding **claim 4** as applied to claim 1, Niiyama further discloses wherein the

application can also send the commands and/or data under a non-administrator mode

of said operating system (rewriting program to flash memory of the portable telephone,

see col. 10, lines 31-52).

Regarding **claim 5** as applied to claim 1, Niiyama further discloses wherein the

mobile storage device comprises, but not limit to USB flash disk, mobile hard disk,

semiconductor mobile storage device, MO disk, ZIP disk, and mobile phone (see fig. 1,

lines 26-27).

Regarding **claim 6** as applied to claim 1, Niiyama further discloses wherein the

commands and/or data can be either user-defined command and/or data, or the

standard operation commands and/or data (see col. 10, lines 31-52).

Regarding **claim 7** as applied to claim 6, Niiyama further discloses wherein the

commands and/or data in the data packet comprise, but not limit to, the password

verification command, password modification command, storage capacity obtaining

command, device internal information obtaining command, write protect setting

command, write protect determining command, switching state determining command,

device internal information modification command, data position obtaining command,

storage disk switching command, formatting command and storage capacity altering

command (program in the rewritable memory of the portable telephone 10 is rewritten in

order to change the function of the portable telephone, see col. 7, lines 34-43, col. 8,

lines 45-52, see col. 1, lines 27-29).

3.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Niiyama et al 5,400,389 (hereinafter Niiyama) in view of **Leppanen 20020077094** as

applied to claim 6 above, and further in view of **Terho et al 5,884,103 (hereinafter**

Terho).

Regarding **claim 8**, as applied to claim 6, Niiyama as modified by Leppanen

discloses the claimed limitation except wherein the operating system refers to Windows

operating system of Microsoft Inc., comprising, but not limits to, Windows 98, Windows

Me, Windows 2000 Professional, Windows 2000 Server, Windows 2000 Advance

Server, Windows XP Professional, Windows XP Home Edition Windows XP Server,

Windows XP Advance Server, and subsequent operating systems developed by

Microsoft Inc.

In a similar field of endeavor, Terho discloses an application (see figs. 6

and 8, col. 4, lines 48-56) comprising an operating system (see col. 8, lines 62-67, col.

9, lines 1-2) except wherein the operating system refers to Windows operating system

of Microsoft Inc., comprising, but not limits to, Windows 98, Windows Me, Windows

2000 Professional, Windows 2000 Server, Windows 2000 Advance Server, Windows

XP Professional, Windows XP Home Edition Windows XP Server, Windows XP

Advance Server, and subsequent operating systems developed by Microsoft Inc (see col. 8, lines 62-67, col. 9, lines 1-2).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Terho, by having a PC/device transmitting messages to control a mobile device have a windows operating system, into the system of Niiyama as modified by Leppanen for the benefit of enabling proper transfer of data between a PC or controlling device and a mobile device by using a flexible and standard operating system.

Regarding **claim 9**, as applied to claim 1, Niiyama as modified by Leppanen discloses the claimed limitation except wherein the application can send the commands and/or data under the non-administrator mode of Windows operating system of Microsoft Inc. Terho, however further discloses wherein the application can send the commands and/or data under the non-administrator mode of Windows operating system of Microsoft Inc (see col. 8, lines 62-67, col. 9, lines 1-2).

Response to Arguments

4.   Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone

number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617